

REMARKS

Favorable reconsideration and allowance are respectfully requested for claims 1-11 in view of the foregoing amendment and the following remarks.

It is noted with appreciation that claims 4 and 5 are deemed allowable.

At the outset we would like to express our appreciation to Examiners Bucci and Van Pelt for the courtesies extended during the personal interview of October 24, 2002. At the interview the construction of the insert as a preassembled constructional unit which is optionally removable was discussed. No agreement was reached.

Claims 1-3 and 6-11 are alleged to be anticipated under 35 U.S.C. §102(b) by Counts. This rejection is respectfully traversed. Following is a comparison of the prior art and this reference and an explanation of how the claims patentably distinguish the invention over this reference.

This invention relates to a receiving device for pedals of a motor vehicle comprising a mounting plate on which an accelerator pedal, a brake pedal and a clutch pedal are swivellably disposed. The clutch pedal is swivellably held in an insert which forms a preassembled constructional unit with the clutch pedal. The constructional unit can be fastened between projecting legs of the mounting plate and is constructed to be optionally removable.

The advantage over the prior art is that the receiving device for the pedals provides a simple installation and removal of the clutch pedal in the case of an automatic transmission or a manual transmission. By placing the preassembled constructional unit into the receiving device a manual transmission is accommodated. With the preassembled constructional unit being removed, optionally, an automatic transmission is accommodated. Thus, a single receiving device is designed for automatic and manual transmissions in that the clutch pedal is accommodated in an optionally removable preassembled constructional

unit. In this way two different types of transmissions use a single receiving device construction.

Counts does not disclose or suggest, among other features, an insert which forms a preassembled constructional unit with the clutch pedal, which the constructional unit is constructed to be optionally removable. Counts shows brake, clutch and accelerator hand controls for paraplegics. The Office Action alleges that Counts discloses a mounting plate 28 on which an accelerator pedal, brake pedal and a clutch pedal are swivellably disposed. In Counts the accelerator pedal 110, clutch pedal 79 and brake pedal 78 are provided on levers 12 and 14. These levers depend downwardly below the dashboard in a conventional manner. The pedals are not swivellably disposed on the mounting plate 28. The mounting plate 28 corresponds to a horizontal flange on which a support shaft 30 is provided. The support shaft in turn supports sleeves and levers which connect to the levers of the brake and clutch pedals. The brake and clutch pedals of Counts are swivellable about the end of levers 12 and 14 and not about the levers depending from the support shaft. The motion of the pedals adheres to a swivelling about the end of levers 12 and 14. The entire assembly of the support shaft and levers for the hand controls appears to be a constructional unit; however the Office Action has alleged that the bifurcated clevis 82 forms the insert and is a preassembled constructional unit with the clutch pedal 79. Counts shows that the hand control device is an add on to a normal vehicle. The normal vehicle already has the clutch and brake pedal. Thus, the alleged insert 84 does not form a preassembled constructional unit with the clutch pedal. Moreover, the alleged constructional unit is not constructed to be optionally removable. Nowhere in Counts does it suggest that the clutch pedal may be optionally removed with the preassembled constructional unit. Figure 1 and Figure 6 show two different embodiments of an automatic and manual transmission. Counts does not suggest that the receiving device for the pedals provides for an optionally removable constructional unit for the clutch. Thus, it

is respectfully submitted that the claimed invention is not anticipated by Counts, as noted above. Accordingly, withdrawal of the rejection is respectfully requested.

The limitation "optionally removable" read in light of the specification distinguishes the claimed invention over Counts.

In view of the foregoing amendment and remarks, the application is respectfully submitted as being in condition for allowance, and prompt and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037/49843).

Respectfully submitted,



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Donald D. Evenson  
Registration No. 26,160  
William G. Ackerman  
Registration No. 45,320

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

DDE:WGA:tam:sbh  
CAM No. 028987.49843US

**MARKED-UP VERSION OF AMENDMENTS**

**IN THE CLAIMS:**

Please amend claim 1 as follows:

1. (Amended) Receiving device for pedals of a motor vehicle comprising a mounting plate on which an accelerator pedal, a brake pedal and a clutch pedal are swivellably disposed, wherein the clutch pedal is swivellably held in an insert which forms a preassembled constructional unit with the clutch pedal, which said constructional unit can be fastened between projecting legs of the mounting plate and is constructed to be optionally removable.